UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

JOHN A. ARETAKIS,

NOTICE OF MOTION

Plaintiff,

-against-

ROBERT DURIVAGE, TIMOTHY NUGENT, TOWN OF NORTH GREENBUSH AND ROBERT D. WELLS,

Civil Action No. 07-Civ-5444 (Hon. Shira A. Scheindlin)

Defendants.

Motion By: Defendant Robert D. Wells.

Date, Time and Place

of Hearing: November 16, 2007, 9:30 a.m. United States District Court --

Southern District of New York, Daniel Patrick Moynihan United

States Courthouse, 500 Pearl Street, New York, New York.

Supporting Papers: Attorney Declaration dated November 1, 2007 and Memorandum

of Law.

Relief Requested: Extension of time to answer or otherwise move.

Date: November 1, 2007 TOBIN and DEMPF, LLP

Attorneys for Defendant Robert D. Wells

/s/ Michael L. Costello

Michael L. Costello

33 Elk Street

Albany, New York 12207

(518) 463-1177

Bar Roll No. MC5378

TO: John A. Aretakis, Esq.

7 Coyote Lane Troy, NY 12180 John A. Aretakis, Esq. 353 East 54th Street New York, NY 10022-4965

Thomas J. O'Connor, Esq. Napierski Vandenburgh & Napierski, LLP 96 Washington Avenue Ext. Albany, NY 12203

Thomas K. Murphy, Esq. Murphy Burns Barber & Murphy, LLP 4 Atrium Drive Albany, NY 12205